

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2121 of 2011

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1. Ram Prasad Sahu S/O Late Budhu Sahu R/O Vill.- Sonapur, P.S.- Rosra, Distt.- Samastipur, At Presetn Working As Conductor, Bihar State Road Transport Corporation, Purnea Depot, Purnea
 2. Mahendra Prasad Singh S/O Late Sidheshwar Singh R/O Vill.- Narhat, P.S.- Bhagwanganj, Distt.- Patna

.... Petitioner/s

Versus

1. Bihar State Road Transport Corporation Through Its Administrator, Parivahan Bhawan, Patna
2. The Administrator, B.S.R.T.C., Parivahan Bhawan, Patna
3. Divisional Manager, B.S.R.T.C., Parivahan Bhawan, Purnea
4. Depot Superintendent, B.S.R.T.C., Purnea Depot, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tara Nath Jha, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 07-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner no.2 has not even filed an appeal and this Court does not find any error in the order passed by the disciplinary authority inflicting punishment on him of recovery of the loss sustained by the Corporation, the writ application of the petitioner no.2 fails and is hereby dismissed.

Mr. Tara Nath Jha, learned counsel for the petitioners, however, submits that the petitioner no.1 has filed an appeal on 17.2.2009 against the order of punishment but the same has not been disposed of as yet.

In view of the fact that there was a statutory remedy for

the petitioner no.1 by way of appeal, the appellate authority was under obligation to dispose of the appeal.

Mr.P. K. Verma, learned senior counsel for the Corporation however submits that since this issue was raised only in the supplementary affidavit and was not stated in the writ application, he has no instruction as with regard to non-disposal of the appeal filed by the petitioner no.1.

That being so, the appellate authority shall verify as to whether the appeal filed by the petitioner no.1 has been disposed of and if the same has not been disposed of as yet and is still pending, he shall dispose it of expeditiously preferably within a period of four months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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